

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re REFCO, INC. SECURITIES LITIGATION

Case No. 07-MD-1902 (GEL)

This Document Relates To:

DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/25/08

KENNETH KRYSS and CHRISTOPHER STRIDE, as
Joint Official Liquidators of SPHINX LTD., *et al.*,

Case No. 08-cv-3065 (GEL)

Plaintiffs,

Case No. 08-cv-3086 (GEL)

-against-

STIPULATION AND ORDER

CHRISTOPHER SUGRUE, *et al.*,

Defendants.

WHEREAS, plaintiffs Kenneth M. Kryss and Christopher Stride, as Joint Official Liquidators of SPhinX, Ltd., SPhinX Macro Fund SPC, SPhinX Macro, Ltd., SPhinX Managed Futures Fund SPC, SPhinX Long/Short Equity Fund SPC, SPhinX Convertible Arbitrage Fund SPC, SPhinX Fixed Income Arbitrage Fund SPC, SPhinX Distressed Fund SPC, SPhinX Merger Arbitrage Fund SPC, SPhinX Special Situations Fund SPC, SPhinX Equity Market Neutral Fund SPC, SPhinX Strategy Fund, Ltd., SPhinX Plus SPC, Ltd., SPhinX Managed Futures, Ltd., SPhinX Long/Short Equity, Ltd., SPhinX Convertible Arbitrage, Ltd., SPhinX Fixed Income Arbitrage, Ltd., SPhinX Distressed, Ltd., SPhinX Merger Arbitrage, Ltd., SPhinX Special Situations, Ltd., SPhinX Equity Market Neutral, Ltd., and PlusFunds Managed Access Fund SPC, Ltd., Kenneth M. Kryss and Christopher Stride, as assignees of claims assigned by Miami Children's Hospital Foundation, OFI, Green & Smith Investment Management LLC, Thales Fund Management LLC, Kellner

Dileo & Co., LLC, Martingale Asset Management LP, Longacre Fund Management LLC, Arnhold & S. Bleichroeder Advisers LLC, PicTet & Cie, RGA America Reinsurance Company, Deutsche Bank (Suisse) SA, Arab Monetary Fund, Hansard International Ltd., Concordia Advisors LLC, Gabelli Securities, Inc., Citgo Global Custody, and James P. Sinclair, as Trustee of the SPhinX Trust (collectively, "Plaintiffs"), commenced this action in the Supreme Court of the State of New York, New York County, on March 5, 2008 (the "Action"); and

WHEREAS, the Action was removed to the United States District Court for the Southern District of New York on March 26, 2008 under two separate proceedings, Case Nos. 08 Civ. 3065 and 08 Civ. 3086, both of which were assigned to United States District Judge Gerard E. Lynch as related cases pursuant to April 8, 2008 Notices of Assignment; and

WHEREAS, on April 2, 2008, Bank für Arbeit und Wirtschaft und Österreichische Postsparkasse Aktiengesellschaft ("BAWAG") filed a motion to refer those claims asserted against it in the Action to the United States Bankruptcy Court for the Southern District of New York (the "Bankruptcy Court") (the "Motion to Refer"), and such motion remains pending; and

WHEREAS, a deposition protocol order (the "Deposition Protocol") and a confidentiality order (the "Confidentiality Order") have been approved by the Court and are in effect in the Refco MDL, *In Re: Refco Securities Litigation*, 07-MD-1902 (GEL) (the "MDL");

WHEREAS, BAWAG seeks to participate in the coordinated discovery being conducted in the Refco MDL and pursuant to the Deposition Protocol and the Confidentiality Order for purposes of the Action; and

WHEREAS, certain parties contend that BAWAG is already subject to the terms of the Deposition Protocol but see no reason not to agree to this stipulation so confirming;

IT IS HEREBY STIPULATED AND AGREED, by and between BAWAG and the undersigned parties, who or which are parties to the Action or other actions that are part of the MDL, through their attorneys, as follows:

1. BAWAG retains all rights to seek referral to the Bankruptcy Court through its Motion to Refer, and plaintiffs retain all rights to seek remand and/or abstention in the Action and to oppose BAWAG's Motion to Refer, and this Stipulation and Order is without prejudice to such rights.

2. Without prejudice to this reservation of rights and subject to any subsequent order of the Court, BAWAG hereby agrees to be a party to the Deposition Protocol for purposes of the Action and is permitted all rights provided thereunder, it being expressly understood that, by entering into this Stipulation, BAWAG does not waive, and expressly reserves, the right to seek relief from the terms of the Deposition Protocol, including, without limitation, an application for relief in the event that BAWAG believes that the deposition process under the Deposition Protocol has not provided full and adequate deposition discovery to BAWAG relating to the matters raised in Plaintiffs' complaint herein, or in any amended version thereof, and/or any defenses thereto.

3. Without prejudice to this reservation of rights, and subject to any subsequent order of the Court, BAWAG hereby agrees to be a party to the Confidentiality Order and is permitted all rights provided thereunder.

4. The Action is deemed a "Related Action" for purposes of the Confidentiality Order.

5. As a party to the Confidentiality Order, BAWAG shall be entitled to receive from each producing party all materials produced, or previously produced, by such party in any action subject to the Deposition Protocol.

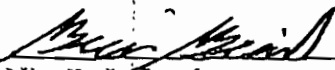
6. BAWAG reserves the right to seek modification of the restrictions on disclosure included in the Confidentiality Order at paragraph 10, as provided for in paragraph 32 of the Confidentiality Order, to the extent that such materials obtained by BAWAG are necessary or useful in related matters or litigations.

7. Nothing contained herein shall waive or act to limit any of BAWAG's or any other party's rights under the Deposition Protocol and Confidentiality Order, all of which are expressly reserved, including any other party's rights to oppose any relief sought by BAWAG pursuant to paragraphs 1, 2, and 6 of this Stipulation and Order.

~~DONE AND ORDERED~~
~~this ____ day of June, 2008~~


~~Honorable, Gerard E. Lynch~~
~~United States District Judge~~

Consented and Agreed to by:


Nicolle L. Jacoby
Brian H. Brick
DECHERT LLP
1095 Avenue of the Americas
New York, NY 10036
Telephone: (212) 698-3500
Fax: (212) 698-3599
nicolle.jacoby@dechert.com
brian.brick@dechert.com
Attorneys for Defendant BAWAG

8. Upon a request for the production of documents, BAWAG shall be permitted: (a) to identify materials that relate to claims that have not waived Austrian bank secrecy laws, and (b) to withhold such materials pending either a waiver of such laws by the affected Client or pursuant to a determination by the Court with regard to the production of such materials.

EEJ
6/28/08


David J. Molton
Andrew Dash
BROWN RUDNICK BERLACK
ISRAELS LLP
Seven Times Square
New York, NY 10036
Telephone: (212) 209-4800
Fax: (212) 209-4801
dmolton@brownrudnick.com
adash@brownrudnick.com
Co-Counsel for Plaintiffs

*with permission,
by Megan D. McIntyre*
[Signature]

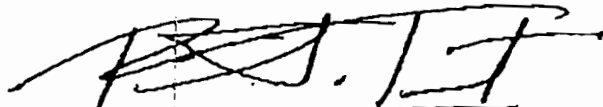
Max W. Berger
John P. Coffey
Salvatore J. Graziano
John C. Browne
Jeremy P. Robinson
BERNSTEIN LITOWITZ BERGER &
GROSSMAN LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 554-1400
Fax: (212) 554-1400
mwb@blbglaw.com
jpc@blbglaw.com
sg@blbglaw.com
jcb@blbglaw.com
jpr@blbglaw.com
Attorneys for RH Capital LLC
And Co-Lead Counsel for the Prospective Class

Sascha Rand
Rebecca Trent
QUINN EMANUEL URQUHART
OLIVER & HEDGES LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Fax: (212) 849-7100
sascharand@quinnemanuel.com
beckytrent@quinnemanuel.com
Attorneys for Marc Kirschner as
Trustee of the Refco Litigation Trust
and Refco Private Actions Trust

Megan D. McIntyre
[Signature]

Stuart M. Grant
James J. Sabella
Megan D. McIntyre (*pro hac vice*)
Jeff A. Almeida
Christine M. Mackintosh
GRANT & EISENHOFER P.A.
Chase Manhattan Centre
1201 North Market Street
Wilmington, DE 19801
Telephone: (302) 622-7000
Fax: (302) 622-7100
sgrant@gclaw.com
jsabella@gclaw.com
mmcintyre@gclaw.com
jalmeida@gclaw.com
cmackintosh@gclaw.com
Attorneys for Pacific
Investment Management Company, LLC
And Co-Lead Counsel for the
Prospective Class

Robert B. McCaw
Philip D. Anker
Lori A. Martin
John V.H. Pierce
James Millar
Jeremy S. Winer
Ross E. Firszenbaum
WILMER CUTLER PICKERING
HALE & DORR LLP
399 Park Avenue
New York, NY 10022
Telephone: (212) 230-8800
Fax: (212) 230-8888
robert.mccaw@wilmerhale.com
philip.anker@wilmerhale.com
lori.martin@wilmerhale.com
john.pierce@wilmerhale.com
james.millar@wilmerhale.com
jeremy.winer@wilmerhale.com
ross.firszenbaum@wilmerhale.com
Attorneys for Defendants JP Morgan
Chase & Co., Credit Suisse Securities
(USA) LLC (formerly Credit Suisse First
Boston LLC) and Banc of America
Securities LLC



Max W. Berger
 John P. Coffey
 Salvatore J. Graziano
 John C. Browne
 Jeremy P. Robinson
**BERNSTEIN LITOWITZ BERGER &
 GROSSMAN LLP**
 1285 Avenue of the Americas
 New York, NY 10019
 Telephone: (212) 554-1400
 Fax: (212) 554-1400
mwb@blbglaw.com
jpc@blbglaw.com
sig@blbglaw.com
jcb@blbglaw.com
jpr@blbglaw.com
*Attorneys for RH Capital LLC
 And Co-Lead Counsel for the Prospective Class*

Sascha Rand
 Rebecca Trent
**QUINN EMANUEL URQUHART
 OLIVER & HEDGES LLP**
 51 Madison Avenue, 22nd Floor
 New York, NY 10010
 Telephone: (212) 849-7000
 Fax: (212) 849-7100
sascharand@quinnemanuel.com
beckytrent@quinnemanuel.com
*Attorneys for Marc Kirchner as
 Trustee of the Refco Litigation Trust
 and Refco Private Actions Trust*

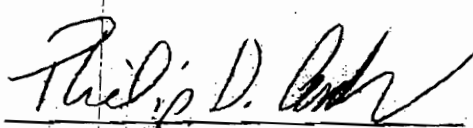
Stuart M. Grant
 James J. Sabella
 Megan D. McIntyre (*pro hac vice*)
 Jeff A. Almeida
 Christine M. Mackintosh
GRANT & EISENHOFER P.A.
 Chase Manhattan Centre
 1201 North Market Street
 Wilmington, DE 19801
 Telephone: (302) 622-7000
 Fax: (302) 622-7100
sgrant@gelaw.com
jsabella@gelaw.com
mmcintyre@gelaw.com
jahmeida@gelaw.com
cmackintosh@gelaw.com
*Attorneys for Pacific
 Investment Management Company, LLC
 And Co-Lead Counsel for the
 Prospective Class*

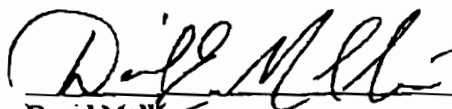
Robert B. McCaw
 Philip D. Anker
 Lori A. Martin
 John V.H. Pierce
 James Millar
 Jeremy S. Winer
 Ross E. Firszenbaum
**WILMER CUTLER PICKERING
 HALE & DORR LLP**
 399 Park Avenue
 New York, NY 10022
 Telephone: (212) 230-8800
 Fax: (212) 230-8888
robert.mccaw@wilmerhale.com
philip.anker@wilmerhale.com
lori.martin@wilmerhale.com
john.pierce@wilmerhale.com
james.millar@wilmerhale.com
jeremy.winer@wilmerhale.com
ross.firszenbaum@wilmerhale.com
*Attorneys for Defendants JP Morgan
 Chase & Co., Credit Suisse Securities
 (USA) LLC (formerly Credit Suisse First
 Boston LLC) and Banc of America
 Securities LLC*

Max W. Berger
John P. Coffey
Salvatore J. Graziano
John C. Browne
Jeremy P. Robinson
BERNSTEIN LITOWITZ BERGER &
GROSSMAN LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 554-1400
Fax: (212) 554-1400
mwb@blbglaw.com
jpc@blbglaw.com
sig@blbglaw.com
jcb@blbglaw.com
jpr@blbglaw.com
*Attorneys for RH Capital LLC
And Co-Lead Counsel for the Prospective Class*

Stuart M. Grant
James J. Sabella
Megan D. McIntyre (*pro hac vice*)
Jeff A. Almeida
Christine M. Mackintosh
GRANT & EISENHOFER P.A.
Chase Manhattan Centre
1201 North Market Street
Wilmington, DE 19801
Telephone: (302) 622-7000
Fax: (302) 622-7100
sgrant@gelaw.com
jsabella@gelaw.com
mmcintyre@gelaw.com
jalmeida@gelaw.com
cmackintosh@gelaw.com
*Attorneys for Pacific
Investment Management Company, LLC
And Co-Lead Counsel for the
Prospective Class*

Sascha Rand
Rebecca Trent
QUINN EMANUEL URQUHART
OLIVER & HEDGES LLP
51 Madison Avenue, 22nd Floor
New York, NY 10010
Telephone: (212) 849-7000
Fax: (212) 849-7100
sascharand@quinnemanuel.com
beckytrent@quinnemannel.com
*Attorneys for Marc Kirschner as
Trustee of the Refco Litigation Trust
and Refco Private Actions Trust*


Robert B. McCaw
Philip D. Anker
Lori A. Martin
John V.H. Pierce
James Millar
Jeremy S. Winer
Ross E. Firszenbaum
WILMER CUTLER PICKERING
HALE & DORR LLP
399 Park Avenue
New York, NY 10022
Telephone: (212) 230-8800
Fax: (212) 230-8888
robert.mccaw@wilmerhale.com
philip.anker@wilmerhale.com
lori.martin@wilmerhale.com
john.pierce@wilmerhale.com
james.millar@wilmerhale.com
jeremy.winer@wilmerhale.com
ross.firszenbaum@wilmerhale.com
*Attorneys for Defendants JP Morgan
Chase & Co., Credit Suisse Securities
(USA) LLC (formerly Credit Suisse First
Boston LLC) and Banc of America
Securities LLC*



David Mollon
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Fax: (212) 294-4700
dmollon@winston.com

Bruce R. Braun
Bradley E. Lerman
Linda T. Coberly
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5600
Fax: (312) 558-5700
bbraun@winston.com
blerman@winston.com
lcoberly@winston.com
Attorneys for Defendant
Grant Thornton LLP

Richard Cashman
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 832-8300
Fax: (212) 763-7600
richard.cashman@hellererhrman.com
Attorneys for Defendant Philip Silverman

Stuart L. Shapiro
Matthew J. Sava
Yoram J. Miller
SHAPIRO FORMAN ALLEN & SAVA LLP
380 Madison Avenue
New York, NY 10017
Telephone: (212) 972-4900
Fax: (212) 557-1275
shapiro@sfa-law.com
sava@sfa-law.com
miller@sfa-law.com
Attorneys for Defendants Joseph J.
Murphy and Gerald M. Sherer

Ivan Kline
Stuart I. Friedman
FRIEDMAN & WITTENSTEIN,
a Professional Corporation
600 Lexington Avenue
New York, NY 10022
Telephone: (212) 750-8700
Fax: (212) 223-8391
ikline@friedmanwittenstein.com
sfriedman@friedmanwittenstein.com
Attorneys for Defendant William M.
Sexton

David Mollón
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Fax: (212) 294-4700
dmollon@winston.com

Bruce R. Braun
Bradley E. Lerman
Linda T. Coberly
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5600
Fax: (312) 558-5700
bbraun@winston.com
blerman@winston.com
lcoberly@winston.com
Attorneys for Defendant
Grant Thornton LLP

Richard Cashman
Richard Cashman
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 832-8300
Fax: (212) 763-7600
richard.cashman@hellererhman.com
Attorneys for Defendant Philip Silverman

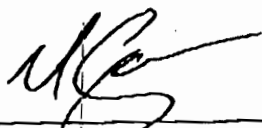
Stuart L. Shapiro
Matthew J. Sava
Yoram J. Miller
SHAPIRO FORMAN ALLEN & SAVA LLP
380 Madison Avenue
New York, NY 10017
Telephone: (212) 972-4900
Fax: (212) 557-1275
shapiro@sfa-law.com
sava@sfa-law.com
miller@sfa-law.com
Attorneys for Defendants Joseph J.
Murphy and Gerald M. Sherer

Ivan Kline
Stuart I. Friedman
Elizabeth D. Meacham
FRIEDMAN & WITTENSTEIN
600 Lexington Avenue
New York, NY 10022
Telephone: (212) 750-8700
Fax: (212) 223-8391
ikline@friedmanwittenstein.com
sfriedman@friedmanwittenstein.com
emeacham@friedmanwittenstein.com
Attorneys for Defendant William M.
Sexton

David Mollón
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Fax: (212) 294-4700
dmollon@winston.com

Bruce R. Braun
Bradley E. Lerman
Linda T. Coberly
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5600
Fax: (312) 558-5700
bbraun@winston.com
bleyman@winston.com
lcoberly@winston.com
Attorneys for Defendant
Grant Thornton LLP

Richard Cashman
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 832-8300
Fax: (212) 763-7600
richard.cashman@hellerehrman.com
Attorneys for Defendant Philip Silverman



Stuart L. Shapiro
Matthew J. Sava
Yoram J. Miller
SHAPIRO FORMAN ALLEN & SAVA LLP
380 Madison Avenue
New York, NY 10017
Telephone: (212) 972-4900
Fax: (212) 557-1275
shapiro@sfa-law.com
sava@sfa-law.com
miller@sfa-law.com
Attorneys for Defendants Joseph J.
Murphy and Gerald M. Sherer

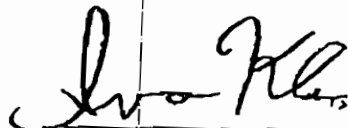
Ivan Kline
Stuart I. Friedman
Elizabeth D. Meacham
FRIEDMAN & WITTENSTEIN
600 Lexington Avenue
New York, NY 10022
Telephone: (212) 750-8700
Fax: (212) 223-8391
ikline@friedmanwittenstein.com
sfriedman@friedmanwittenstein.com
emeacham@friedmanwittenstein.com
Attorneys for Defendant William M.
Sexton

David Mollón
WINSTON & STRAWN LLP
200 Park Avenue
New York, NY 10166
Telephone: (212) 294-6700
Fax: (212) 294-4700
dmollon@winston.com

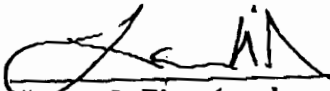
Bruce R. Braun
Bradley E. Lerman
Linda T. Coberly
WINSTON & STRAWN LLP
35 West Wacker Drive
Chicago, IL 60601
Telephone: (312) 558-5600
Fax: (312) 558-5700
bbraun@winston.com
bleman@winston.com
lcoberly@winston.com
Attorneys for Defendant
Grant Thornton LLP

Richard Cashman
HELLER EHRMAN LLP
Times Square Tower
7 Times Square
New York, NY 10036
Telephone: (212) 832-8300
Fax: (212) 763-7600
richard.cashman@hellerehrman.com
Attorneys for Defendant Philip Silverman

Stuart L. Shapiro
Matthew J. Sava
Yoram J. Miller
SHAPIRO FORMAN ALLEN & SAVA LLP
380 Madison Avenue
New York, NY 10017
Telephone: (212) 972-4900
Fax: (212) 557-1275
shapiro@sfa-law.com
sava@sfa-law.com
miller@sfa-law.com
Attorneys for Defendants Joseph J.
Murphy and Gerald M. Sherer



Ivan Kline
Stuart I. Friedman
FRIEDMAN & WITTENSTEIN,
a Professional Corporation
600 Lexington Avenue
New York, NY 10022
Telephone: (212) 750-8700
Fax: (212) 223-8391
ikline@friedmanwittenstein.com
sfriedman@friedmanwittenstein.com
Attorneys for Defendant William M.
Sexton



Norman L. Eisen (*pro hac vice*)
Laura E. Neish
ZUCKERMAN SPAEDER LLP
1540 Broadway, Suite 1604
New York, New York 10036
Telephone: (212) 704-9600
Fax: (212) 704-4256
neisen@zuckerman.com
lneish@zuckerman.com
Attorneys for Defendant Toner Grant

James J. Capra, Jr.
ORRICK, HERRINGTON
& SUTCLIFFE LLP
666 Fifth Avenue
New York, NY 10103-0001
Telephone: (212) 506-5000
Fax: (212) 506-5151
jcapra@orrick.com
*Attorneys for Defendants
PricewaterhouseCoopers LLP and
Mari Ferris*

Greg A. Danilow
Seth Goodchild
WEIL GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Fax: (212) 310-8007
greg.danilow@weil.com
seth.goodchild@wcjl.com
*Attorneys for the "THL" and "Audit
Committee" Defendants*

Richard A. Rosen
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Fax: (212) 757-3990
rosen@paulweiss.com
Attorneys for the "THL" Defendants

Norman L. Eisen (*pro hac vice*)
Laura E. Neish
ZUCKERMAN SPAEDER LLP
1540 Broadway, Suite 1604
New York, New York 10036
Telephone: (212) 704-9600
Fax: (212) 704-4256
neisen@zuckerman.com
lnesh@zuckerman.com
Attorneys for Defendant Tone Grant



James J. Capra, Jr.
ORRICK, HERRINGTON
& SUTCLIFFE LLP
666 Fifth Avenue
New York, NY 10103-0001
Telephone: (212) 506-5000
Fax: (212) 506-5151
jcapra@orrick.com
*Attorneys for Defendants
PricewaterhouseCoopers LLP and
Mari Ferris*

Greg A. Danilow
Seth Goodchild
WEIL GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Fax: (212) 310-8007
greg.danilow@weil.com
seth.goodchild@weil.com
*Attorneys for the "THL" and "Audit
Committee" Defendants*

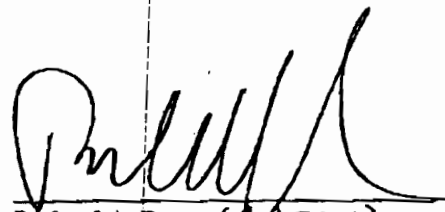
Richard A. Rosen
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Fax: (212) 757-3990
rosen@paulweiss.com
Attorneys for the "THL" Defendants

Norman L. Eisen (*pro hac vice*)
Laura E. Neish
ZUCKERMAN SPAEDER LLP
1540 Broadway, Suite 1604
New York, New York 10036
Telephone: (212) 704-9600
Fax: (212) 704-4256
neisen@zuckerman.com
lneish@zuckerman.com
Attorneys for Defendant Tone Grant

James J. Capra, Jr.
ORRICK, HERRINGTON
& SUTCLIFFE LLP
666 Fifth Avenue
New York, NY 10103-0001
Telephone: (212) 506-5000
Fax: (212) 506-5151
jcapra@orrick.com
*Attorneys for Defendants
PricewaterhouseCoopers LLP and
Mari Ferris*



Greg A. Danilow
Seth Goodchild (56-2296)
WEIL GOTSHAL & MANGES LLP
767 Fifth Avenue
New York, NY 10153
Telephone: (212) 310-8000
Fax: (212) 310-8007
greg.danilow@weil.com
seth.goodchild@weil.com
*Attorneys for the "THL" and "Audit
Committee" Defendants*



Richard A. Rosen (LR 5132)
PAUL, WEISS, RIFKIND, WHARTON
& GARRISON LLP
1285 Avenue of the Americas
New York, NY 10019
Telephone: (212) 373-3000
Fax: (212) 757-3990
rosen@paulweiss.com
Attorneys for the "THL" Defendants


Michael T. Hannafan (*pro hoc vice*)
Blake T. Hannafan (*pro hoc vice*)
HANNAFAN & HANNAFAN, LTD.
One East Wacker Drive
Suite 2800
Chicago, IL 60601
Telephone: (312) 527-0055
Fax: (312) 527-0220
mth@hannafanlaw.com
bth@hannafanlaw.com
Attorneys for Defendant Tone Grant

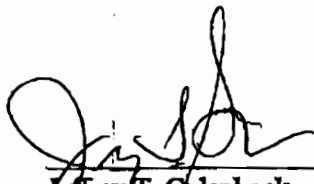
Helen B. Kim
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East
Suite 2600
Los Angeles, California 90067-3012
Telephone: (310) 788-4400
Fax: (310) 788-4471
helen.kim@kattenlaw.com
Attorneys for Defendant Dennis Klejna

Jeffrey T. Golenbock
Adam C. Silverstein
GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP
437 Madison Avenue, 35th Floor
New York, NY 10022-7302
Telephone: (212) 907-7300
Fax: (212) 754-0330
jgolenbock@golenbock.com
asilverstein@golenbock.com
*Attorneys for Defendants Philip R. Bennett,
Refco Group Holdings Inc., and Philip R.
Bennett Three Year Annuity Trust*

Richard E. Nathan
NATHAN LAW OFFICE
123 South June Street
Los Angeles, CA 90004
Telephone: (323) 931-8080
Fax: (323) 931-8008
renathan@att.net
Attorneys for Defendant Dennis Klejna

Michael T. Hannafan (*pro hac vice*)
Blake T. Hannafan (*pro hac vice*)
HANNAFAN & HANNAFAN, LTD.
One East Wacker Drive
Suite 2800
Chicago, IL 60601
Telephone: (312) 527-0055
Fax: (312) 527-0220
mth@hannafanlaw.com
bth@hannafanlaw.com
Attorneys for Defendant Tone Grant

Helen B. Kim
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East
Suite 2600
Los Angeles, California 90067-3012
Telephone: (310) 788-4400
Fax: (310) 788-4471
helen.kim@kattenlaw.com
Attorneys for Defendant Dennis Klejna



Jeffrey T. Golenbock
Adam C. Silverstein
GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP
437 Madison Avenue, 35th Floor
New York, NY 10022-7302
Telephone: (212) 907-7300
Fax: (212) 754-0330
jgolenbock@golenbock.com
asilverstein@golenbock.com
*Attorneys for Defendants Philip R. Bennett,
Refco Group Holdings Inc., and Phillip R.
Bennett Three Year Annuity Trust*

Richard E. Nathan
NATHAN LAW OFFICE
123 South June Street
Los Angeles, CA 90004
Telephone: (323) 931-8080
Fax: (323) 931-8008
renathan@att.net
Attorneys for Defendant Dennis Klejna

Michael T. Hannafan (*pro hac vice*)
Blake T. Hannafan (*pro hac vice*)
HANNAFAN & HANNAFAN, LTD.
One East Wacker Drive
Suite 2800
Chicago, IL 60601
Telephone: (312) 527-0055
Fax: (312) 527-0220
mth@hannafanlaw.com
bth@hannafanlaw.com
Attorneys for Defendant Tone Grant

Helen Kim (by BHB)
Helen B. Kim
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East
Suite 2600
Los Angeles, California 90067-3012
Telephone: (310) 788-4400
Fax: (310) 788-4471
helen.kim@kattenlaw.com
Attorneys for Defendant Dennis Klejna


Jeffrey T. Golenbock
Adam C. Silverstein
GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP
437 Madison Avenue, 35th Floor
New York, NY 10022-7302
Telephone: (212) 907-7300
Fax: (212) 754-0330
jgolenbock@golenbock.com
asilverstein@golenbock.com
*Attorneys for Defendants Philip R. Bennett,
Refco Group Holdings Inc., and Philip R.
Bennett Three Year Annuity Trust*

Richard E. Nathan
NATHAN LAW OFFICE
123 South June Street
Los Angeles, CA 90004
Telephone: (323) 931-8080
Fax: (323) 931-8008
renathan@art.net
Attorneys for Defendant Dennis Klejna

Michael T. Hannafan (*pro hac vice*)
Blake T. Hannafan (*pro hac vice*)
HANNAFAN & HANNAFAN, LTD.
One East Wacker Drive
Suite 2800
Chicago, IL 60601
Telephone: (312) 527-0055
Fax: (312) 527-0220
mth@hannafanlaw.com
bth@hannafanlaw.com
Attorneys for Defendant Tone Grant.

Helen B. Kim
KATTEN MUCHIN ROSENMAN LLP
2029 Century Park East
Suite 2600
Los Angeles, California 90067-3012
Telephone: (310) 788-4400
Fax: (310) 788-4471
helen.kim@kattenlaw.com
Attorneys for Defendant Dennis Klejna

Jeffrey T. Golenbock
Adam C. Silverstein
GOLENBOCK EISEMAN ASSOR
BELL & PESKOE LLP
437 Madison Avenue, 35th Floor
New York, NY 10022-7302
Telephone: (212) 907-7300
Fax: (212) 754-0330
jgolenbock@golenbock.com
asilverstein@golenbock.com
*Attorneys for Defendants Philip R. Bennett,
Refco Group Holdings Inc., and Philip R.
Bennett Three Year Annuity Trust*


Richard E. Nathan
NATHAN LAW OFFICE
123 South June Street
Los Angeles, CA 90004
Telephone: (323) 931-8080
Fax: (323) 931-8008
renathan@att.net
Attorneys for Defendant Dennis Klejna



Scott E. Hershman
Stephen R. Blacklocks
Richard Soto
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, New York 10166-0091
Telephone: (212) 309-1000
Fax: (212) 309-1100
shershman@hunton.com
sblacklocks@hunton.com
rsoto@hunton.com
Attorneys for Defendant Santo C. Maggio


Christopher R. Harris
Miles Ruthberg
Kevin Metz
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Fax: (212) 751-4864
christopher.harris@lw.com
miles.ruthberg@lw.com
kevin.metz@lw.com
Attorneys for Defendant Ernst & Young LLP

Aaron E. Albert
Alan C. Thomas
FISCHER PORTER THOMAS &
REINFELD, P.C.
440 Sylvan Avenue, Suite 130
Englewood Cliffs, NJ 07632-2700
Telephone: (201) 569-5959
Fax: (201) 871-4544
aalbert@fpmtlaw.com
athomas@fpmtlaw.com
*Attorneys for Defendants Beckenham
Trading Company, Inc. and
Andrew Krieger*

Charles E. Clayman
Amy E. Millard
CLAYMAN & ROSENBERG
305 Madison Avenue
Suite 1301
New York, NY 10165
Telephone: (212) 922-1080
Fax: (212) 949-8255
clayman@clayro.com
amillard@clayro.com
Attorneys for Defendant Paul Koury

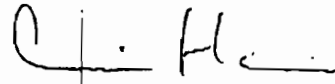
Scott E. Hershman
Stephen R. Blacklocks
Richard Soto
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, New York 10166-0091
Telephone: (212) 309-1000
Fax: (212) 309-1100
shershman@hunton.com
sblacklocks@hunton.com
rsoto@hunton.com
Attorneys for Defendant Santo C. Maggio

Christopher R. Harris
Miles Ruthberg
Kevin Metz
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Fax: (212) 751-4864
christopher.harris@lw.com
miles.ruthberg@lw.com
kevin.metz@lw.com
Attorneys for Defendant Ernst & Young LLP



Aaron E. Albert
Alan C. Thomas
FISCHER PORTER THOMAS &
REINFELD, P.C.
180 Sylvan Avenue, 2nd Floor
Englewood Cliffs, NJ 07632
Telephone: (201) 569-5959
Fax: (201) 871-4544
aalbert@fpmtlaw.com
athomas@fpmtlaw.com
*Attorneys for Defendants Beckenham
Trading Company, Inc. and
Andrew Krieger*

Charles E. Clayman
Amy B. Millard
CLAYMAN & ROSENBERG
305 Madison Avenue
Suite 1301
New York, NY 10165
Telephone: (212) 922-1080
Fax: (212) 949-8255
clayman@clayro.com
amillard@clayro.com
Attorneys for Defendant Paul Koury



Scott E. Hershman
Stephen R. Blacklocks
Richard Soto
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, New York 10166-0091
Telephone: (212) 309-1000
Fax: (212) 309-1100
shershman@hunton.com
sblacklocks@hunton.com
rsoto@hunton.com
Attorneys for Defendant Santo C. Maggio

Christopher R. Harris
Miles Ruthberg
Kevin Metz
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Fax: (212) 751-4864
christopher.harris@lw.com
miles.ruthberg@lw.com
kevin.metz@lw.com
Attorneys for Defendant Ernst & Young LLP


Aaron E. Albert
Alan C. Thomas
FISCHER PORTER THOMAS &
REINFELD, P.C.
440 Sylvan Avenue, Suite 130
Englewood Cliffs, NJ 07632-2700
Telephone: (201) 569-5959
Fax: (201) 871-4544
aalbert@fpmtlaw.com
athomas@fpmtlaw.com
*Attorneys for Defendants Beckenham
Trading Company, Inc. and
Andrew Krieger*

Charles E. Clayman
Amy E. Millard
CLAYMAN & ROSENBERG
305 Madison Avenue
Suite 1301
New York, NY 10165
Telephone: (212) 922-1080
Fax: (212) 949-8255
clayman@clayro.com
amillard@clayro.com
Attorneys for Defendant Paul Koury

Scott E. Hershman
Stephen R. Blacklocks
Richard Soto
HUNTON & WILLIAMS LLP
200 Park Avenue
New York, New York 10166-0091
Telephone: (212) 309-1000
Fax: (212) 309-1100
shershman@hunton.com
sblacklocks@hunton.com
rsoto@hunton.com
Attorneys for Defendant Santo C. Maggio

Christopher R. Harris
Miles Ruthberg
Kevin Metz
LATHAM & WATKINS LLP
885 Third Avenue
New York, NY 10022
Telephone: (212) 906-1200
Fax: (212) 751-4864
christopher.harris@lw.com
miles.ruthberg@lw.com
kevin.metz@lw.com
Attorneys for Defendant Ernst & Young LLP

Aaron E. Albert
Alan C. Thomas
FISCHER PORTER THOMAS &
REINFELD, P.C.
440 Sylvan Avenue, Suite 130
Englewood Cliffs, NJ 07632-2700
Telephone: (201) 569-5959
Fax: (201) 871-4544
aalbert@fpmilaw.com
athomas@fpmilaw.com
*Attorneys for Defendants Beckenham
Trading Company, Inc. and
Andrew Krieger*



Charles E. Clayman
Amy E. Millard
CLAYMAN & ROSENBERG
305 Madison Avenue
Suite 1301
New York, NY 10165
Telephone: (212) 922-1080
Fax: (212) 949-8255
clayman@clayro.com
amillard@clayro.com
Attorneys for Defendant Paul Koury



Scott A. Edelman
Sander Bak
MILBANK, TWEED, HADLEY
& McCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Fax: (212) 530-5219
SEdelman@Milbank.com
SBak@Milbank.com
*Attorneys for Marc Kirschner as Trustee
of the Refco Litigation Trust and
Refco Private Actions Trust, for Capital
Management and VR Plaintiffs, and
Co-Lead Counsel for Lead Plaintiffs and the
Putative Class in In re Refco Capital
Markets, Ltd. Brokerage Customer
Securities Lit.*

John K. Villa (*pro hac vice*)
Michael S. Sundermeyer (*pro hac vice*)
Craig D. Singer (*pro hac vice*)
Thomas G. Ward
William T. Burke (*pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Fax: (202) 434-5029
jvilla@wc.com
msundermeyer@wc.com
csinger@wc.com
tward@wc.com
wburke@wc.com
Attorneys for Defendant Mayer Brown LLP

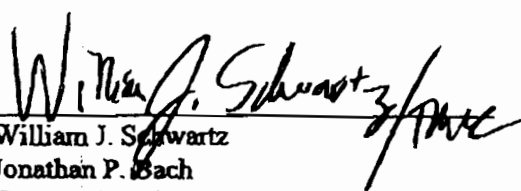
William J. Schwartz
Jonathan P. Bach
Timothy M. Kerr
Daniel M. Hibshoosh
COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036-7798
Telephone: (212) 479-6000
Fax: (212) 479-6275
wschwartz@cooley.com
jbach@cooley.com
tkerr@cooley.com
dhibshoosh@cooley.com
Attorneys for Defendant Joseph P. Collins

Robert P. Wise, Jr.
Paul Spagnoletti
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4000
Fax: (212) 450-3512
robert.wise@dpw.com
paul.spagnoletti@dpw.com
*Attorneys for Defendants Ingram
Micro, Inc. and CIM Ventures, Inc.*

13196532.2.LITIGATION

Scott A. Edelman
Sander Bak
MILBANK, TWEED, HADLEY
& McCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Fax: (212) 530-5219
SEdelman@Milbank.com
SBak@Milbank.com
*Attorneys for Marc Kirschner as Trustee
of the Refco Litigation Trust and
Refco Private Actions Trust, for Capital
Management and VR Plaintiffs, and
Co-Lead Counsel for Lead Plaintiffs and the
Putative Class in In re Refco Capital
Markets, Ltd. Brokerage Customer
Securities Lit.*

John K. Villa (*pro hac vice*)
Michael S. Sundermeyer (*pro hac vice*)
Craig D. Singer (*pro hac vice*)
Thomas G. Ward
William T. Burke (*pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Fax: (202) 434-5029
jvilla@wc.com
msundermeyer@wc.com
csinger@wc.com
tward@wc.com
wburke@wc.com
Attorneys for Defendant Mayer Brown LLP


William J. Schwartz
Jonathan P. Bach
Timothy M. Kerr
Daniel M. Hibshoosh
COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036-7798
Telephone: (212) 479-6000
Fax: (212) 479-6275
wswartz@cooley.com
jbach@cooley.com
tkerr@cooley.com
dhbshoosh@cooley.com
Attorneys for Defendant Joseph P. Collins

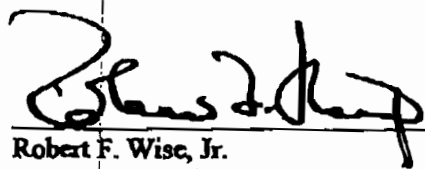
Robert F. Wise, Jr.
Paul Spagnoletti
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4000
Fax: (212) 450-3512
robert.wise@dpw.com
paul.spagnoletti@dpw.com
*Attorneys for Defendants Ingram
Micro, Inc. and CIM Ventures, Inc.*

13196532.2 LITIGATION

Scott A. Edelman
Sander Bak
MILBANK, TWEED, HADLEY
& McCLOY LLP
1 Chase Manhattan Plaza
New York, NY 10005
Telephone: (212) 530-5000
Fax: (212) 530-5219
SEdelman@Milbank.com
SBak@Milbank.com
*Attorneys for Marc Kirschner as Trustee
of the Refco Litigation Trust and
Refco Private Actions Trust, for Capital
Management and VR Plaintiffs, and
Co-Lead Counsel for Lead Plaintiffs and the
Putative Class in In re Refco Capital
Markets, Ltd. Brokerage Customer
Securities Lit.*

John K. Villa (*pro hac vice*)
Michael S. Sundermeyer (*pro hac vice*)
Craig D. Singer (*pro hac vice*)
Thomas G. Ward
William T. Burke (*pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Fax: (202) 434-5029
jvilla@wc.com
msundermeyer@wc.com
csinger@wc.com
tward@wc.com
wburke@wc.com
Attorneys for Defendant Mayer Brown LLP

William J. Schwartz
Jonathan P. Bach
Timothy M. Kerr
Daniel M. Hibshoosh
COOLEY GODWARD KRONISH LLP
1114 Avenue of the Americas
New York, NY 10036-7798
Telephone: (212) 479-6000
Fax: (212) 479-6275
wschwartz@cooley.com
jbach@cooley.com
tkerr@cooley.com
dhibshoosh@cooley.com
Attorneys for Defendant Joseph P. Collins


Robert F. Wise, Jr.
Paul Spagnoletti
DAVIS POLK & WARDWELL
450 Lexington Avenue
New York, NY 10017
Telephone: (212) 450-4000
Fax: (212) 450-3512
robert.wise@dpw.com
paul.spagnoletti@dpw.com
*Attorneys for Defendants Ingram
Micro, Inc. and CIM Ventures, Inc.*

131965322 LITIGATION

Dated: Washington, D.C.
June 10, 2008

WILLIAMS & CONNOLLY LLP

By: Thomas G. Ward
John K. Villa (*admitted pro hac vice*)
Michael S. Sundermeyer (*admitted pro hac vice*)
Craig D. Singer (*admitted pro hac vice*)
Thomas G. Ward (TW 6255)
William T. Burke (*admitted pro hac vice*)
WILLIAMS & CONNOLLY LLP
725 Twelfth Street, N.W.
Washington, D.C. 20005
Telephone: (202) 434-5000
Fax: (202) 434-5029

*Attorneys for Defendants Mayer Brown LLP and
Edward S. Best*

As BAWAG has shown good cause for entry of this order, and has obtained consent of all but one relevant party, and as the objecting party has not proffered a substantive relevant objection to the order, but has simply withheld consent in retaliation for BAWAG's refusal to consent to ~~a~~ unrelated relief sought by the objecting party, the instant stipulation and order is approved.

SO ORDERED

Gerard E. Lynch
GERARD E. LYNCH, U.S.D.J.

6/25/08